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AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
P.O. Box 7599  
Loveland CO 80537-0599

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**JUN 21 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Liu, et al. : DECISION ON PETITION  
Application No. 10/674,323 :  
Filed: September 30, 2003 :  
Dkt. No.: 10030761-1 :

The above-identified application has been forwarded to the Office of Petitions for consideration of the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed April 10, 2007.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is not a final agency decision.

This application became abandoned October 25, 2006 for failure to timely submit a proper reply to the non-final Office action mailed July 24, 2006. The non-final Office action set a two month statutory period of time for reply. Notice of Abandonment was mailed February 23, 2007.

Petitioners allege non-receipt of the non-final Office action mailed July 24, 2006.

In the absence of any irregularity in the mailing of the non-final Office action, there is a strong presumption that the non-final Office action was properly mailed to the address of record. This presumption may be overcome by a showing that the non-final Office action was not in fact received.

The showing required to establish non-receipt of an Office communication must include a statement that the Office

communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in the statement. See, MPEP 711.03(c). The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail.

Office records indicate the Office communication was properly mailed to the correspondence address of record at the time of mailing. Accordingly, there was no irregularity in mailing the Office communication on the part of the United States Patent and Trademark Office.

Petitioners have failed to attest to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. Moreover, petitioners have failed to reference and provide docketing records where the non-received Office communication would have been entered had it been received. While the petition is accompanied by a "mail log," the declaration included the petition indicates that the record keeping procedures in place include a docketing system. It is unclear from the record if the docketing system in is a system separate and apart from the mail log. Further elaboration, and, if necessary, supporting documentation is required upon renewed petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

By facsimile:

(571) 273-8300

By hand delivery:

U.S. Patent and Trademark Office  
Customer Window, **Mail Stop Petition**  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

A handwritten signature in black ink, appearing to read 'AMB', is written over the printed name.

Alesia M. Brown  
Petitions Attorney  
Office of Petitions